

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow. Claims 1-27 are pending in this Application.

Claim Rejections - 35 U.S.C. § 103(a)

The Office Action provides substantive discussion of the rejection of claims 1-4, 6-9, 11-14, 17-20, and 22-27 under 35 U.S.C. § 103(a) over U.S. Patent No. 7062294 ("Rogard") in view of EP 1443680 ("Ogawa"). The Office Action also again notes that claims 5, 11, 15, and 21 are allowed. *See* Office Action, Page 17. Applicant respectfully submits that the Office Action does not provide any substantive treatment for claim 16, and therefore Applicant considers this claim is not rejected, and is therefore allowable.

Applicant respectfully traverses this rejection at least because Ogawa is not prior art to the claims of the present application, and thus the rejection based in part on Ogawa must fail. The present application claims priority to Japanese Patent Application No. 2002-274640, filed on September 20, 2002. Applicant previously submitted a certified English translation of Japanese Patent Application No. 2002-274640, thus perfecting the claim to a priority date of September 20, 2002. Accordingly, Ogawa is not prior art to the claims of the present application, and the rejection under section 103 based in part on Ogawa has been overcome.

Acknowledgement of Priority Claim

Applicant respectfully requests that the Office acknowledge Applicant's claim to priority, and the receipt of the certified translation of Japanese Patent Application No. 2002-274640 referenced above.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date September 21, 2010

By Thomas L. Bilodeau

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5485
Facsimile: (202) 672-5399

William T. Ellis
Attorney for Applicant
Registration No. 26,874